

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 94015

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-111-94

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

**Secretary of State
Filing Data**

**For Filing Administrative
Regulations**

**For Emergency
Regulations Only**

Effective Date _____

Expiration Date _____

Governor's Signature

Nevada State Environmental Commission

Classification ☐ **Proposed** ☐ **Adopted By Agency** ☒ **Temporary** ☐ **Emergency** ☐

Brief description of action: Petition 94015 (LCB R-111-94) permanently amends the Nevada Administrative Code 445.240 by updating the reference to the phone number of the Division of Environmental Protection concerning unscheduled releases to the environment involving hazardous waste, pollutants, contaminants or petroleum products.

Authority citation other than 233B: NRS 445.201.

Notice date: July 12, 1994; July 20, 1994 and July 28, 1994.

Hearing date: August 11, 1994

Date of Adoption of Agency: August 11, 1994

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 94015
LCB R-111-94**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Chapter 445 by the State Environmental Commission (SEC).

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 94015 was noticed three (3) times: July 12, July 20 and July 28, 1994) and four times in the Las Vegas Review Journal and Reno Gazette-Journal newspapers. Comments and hearing minutes may be secured from the Office of the State Environmental Commission located in Carson City, Nevada at 333 W. Nye Lane, Room 128. No comments were received from the general public regarding this petition.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. Comments and hearing minutes may be secured from the Office of the State Environmental Commission located in Carson City, Nevada at 333 W. Nye Lane, Room 128. No comments were received from the affected businesses.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulations were adopted at the SEC hearing on August 11, 1994 with no further comment.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

- a. There are no adverse or beneficial economic effects on the public or regulated sources.
- b. There are no immediate or long-term economic effects on regulated sources. There are no immediate or long-term economic effects on the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of the proposed regulation.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

LCB File No. R111-94

EXPLANATION--Matter in *italics* is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445.201

Section 1. NAC 445.240 is hereby amended to read as follows:

445.240 1. Any person who owns or operates a facility or his designated agent shall notify the:

(a) Division of emergency management of the department of motor vehicles and public safety as soon as possible after he has knowledge of a release described in subsection 2 that involves his facility. The notice must be by telephone at (702) 687-4240 during normal working hours or at (702) 687-5300 after normal working hours.

(b) Director as soon as possible after he has knowledge of such a release, but not later than the end of the first working day after the release. The notice must be by telephone at 800-992-0900, extension [5872] 4670 or (702) 687-[5872] 4670.

2. The following are subject to the notice requirements of subsection 1:

(a) A release in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 C.F.R. Part 302.

(b) A release consisting of any quantity of pollutants, hazardous waste, as defined in NRS 459.430, or contaminants, as defined in NRS 445.143, and the pollutant, hazardous waste or contaminant is not listed in 40 C.F.R. § 302.4.

(c) A release consisting of a petroleum product:

(1) Which is released to the soil or other surfaces of land in a quantity greater than 25 gallons; or

(2) Discovered on or in the ground water or in at least 3 cubic yards of soil during excavation of soil, subsurface exploration, monitoring of ground water or any other subsurface activity.

END OF PETITION 94015 (LCB R111-94)